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Rights of the Child

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MEETING OF THE STATES PARTIES TO THE CONVENTION
ON THE RIGHTS OF THE CHILD

FOURTH MEETING

SUMMARY RECORD OF THE 7th MEETING

Held at Headquarters, New York,
on Monday, 10 October 1994, at 10 a.m.

Temporary Chairperson: Mr. CORELL
(Representative of the
Secretary-General)

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The meeting was called to order at 12.20 p.m.

OPENING OF THE MEETING BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS

1. The TEMPORARY CHAIRPERSON, speaking on behalf of the Secretary-General, noted that the number of States parties to the Convention on the Rights of the Child had reached 166, which was close to the goal of universal ratification by 1995, urged by the 1993 World Conference on Human Rights. In the course of official contacts with Member States, the Secretary-General, the High Commissioner for Human Rights and he would urge early ratification of the Convention and, where necessary, encourage States to seek assistance in overcoming special difficulties.

2. The Committee on the Rights of the Child had continued to discharge its responsibilities under the Convention completely and efficiently and was currently holding its seventh session. In addition to considering reports by States parties, the Committee had held thematic discussions on the economic exploitation of children and the role of the family in the promotion of the rights of the child. It had also prepared a preliminary draft optional protocol on the involvement of children in armed conflicts, which would serve as the basis for discussion in the open-ended working group established by the Commission on Human Rights to elaborate a draft optional protocol on the issue of raising the age of recruitment into the armed forces.

3. Noting that the current meeting had been convened to determine the number of the Committee's future sessions, he drew attention to the note by the Secretary-General (CRC/SP/11). The Convention on the Rights of the Child had become, within an exceptionally short period, the international human rights instrument with the largest number of ratifications. Recalling the recommendation made by the World Conference on Human Rights that the Committee should be enabled expeditiously and effectively to meet its mandate, the Committee, at its fifth session, had decided to request the Secretary-General to convene a meeting of the States parties to the Convention and had requested the States parties to determine that the number of annual sessions of the Committee as from 1995, as well as the number of sessions of its working group, should be increased from two to three. If the Committee was to have a third regular session as from 1995, the General Assembly would need to approve any such determination by the States parties at its current session.

4. The programme budget implications for holding an additional session annually were contained in document CRC/SP/12. In the view of the Secretary-General, the Committee's request was fully justified since it received a very large number of reports for consideration. Accordingly, it was indispensable to provide the Committee with an adequate amount of meeting time to enable it to deal with reports in a timely and thorough manner and ensure an effective and fruitful dialogue between the Committee and States parties.

5. Mr. SACIRBEY (Bosnia and Herzegovina) proposed that the States parties to the Convention should decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should not participate in the work of the fourth meeting.

6. Mr. KHAN (Pakistan) said that he fully supported the proposal.

7. Mr. DJORDJEVIĆ (Yugoslavia) said that the proposal was legally unfounded, politically motivated and totally inconsistent with the letter and spirit of the Convention. If adopted, it would constitute discrimination against a State party to the Convention and might set a dangerous precedent for the status of other States parties and create obstacles for the implementation of the Convention. In accordance with rule 74 of the rules of procedure of the General Assembly, he moved that no action be taken on the proposal and requested, under rule 87 (a) of the rules of procedure, that a roll-call vote be taken on all votes in connection with that question.

8. Mrs. WARZAZI (Morocco) said that if the States parties voted on the motion by Yugoslavia, they would be recognizing ipso facto that that representative could participate in the work of the fourth meeting. The States parties, therefore, should act on the proposal made by the representative of Bosnia and Herzegovina and supported by Pakistan.

9. Mr. GUILLEN (Peru) pointed out that the proposal made by Bosnia and Herzegovina and supported by Pakistan had not been opposed by a second speaker and therefore action should be taken on it.

10. The TEMPORARY CHAIRMAN said that he intended to put the procedural motion by Yugoslavia to the vote.

11. Mr. KHAN (Pakistan) questioned the ruling, pointing out that, in view of the points raised by the representatives of Morocco and Peru, there was no need for a vote on the motion made by Yugoslavia.

12. Mr. DJORDJEVIĆ (Yugoslavia), speaking on a point of order, said that the Temporary Chairman had announced that the voting had begun and points of order could only be raised in connection with the voting.

13. At the request of the representative of Yugoslavia, a vote was taken by roll call on his proposal that no action be taken on the proposal by Bosnia and Herzegovina.

14. Paraguay, having been drawn by lot by the Temporary Chairman, was called upon to vote first.

In favour: Yugoslavia.

Against: Afghanistan, Albania, Algeria, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Gambia, Germany, Greece, Guatemala, Hungary, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Latvia, Lebanon,

Lithuania, Luxembourg, Mali, Malta, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Morocco, New Zealand, Nicaragua, Niger, Norway, Pakistan, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Senegal, Sierra Leone, Slovenia, Spain, Sudan, Suriname, Sweden, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Yemen.

Abstaining: Argentina, Bolivia, Brazil, Cambodia, Cameroon, Colombia, Ecuador, Fiji, India, Lao People's Democratic Republic, Nepal, Peru, Romania, Sri Lanka, Togo, Vanuatu, Venezuela.

15. The motion put forward by Yugoslavia was rejected by 1 vote to 66, with 17 abstentions.

16. Mr. DJORDJEVIĆ (Yugoslavia), speaking in explanation of vote before the voting, said that barring his country from participating in the meeting would be inconsistent with the letter and spirit of the Convention on the Rights of the Child. In the view of his delegation, General Assembly resolution 47/1 applied only to his country's participation in the General Assembly; that view had been confirmed by the Legal Counsel in document A/47/485. His country had declared that it would continue the international legal and political personality of its predecessor and would honour all of the latter's international obligations, including, specifically, all duties and obligations arising from the Convention, and it had submitted its report to the Committee on an exceptional basis in November 1993. His delegation had been invited to the meeting, and had duly submitted the necessary credentials.

17. In view of the above and because, in accordance with the decision of the International Court of Justice in the Barcelona Traction case, international human rights instruments should be universally accepted, the Committee was required at the very least to allow his country to participate in the meeting. To deny it the right to participate would set a dangerous precedent of politically motivated action and would imply a suspension of its obligations arising from the Convention. For all of these reasons, his delegation would vote against the proposal.

18. Mr. MATEŠIĆ (Croatia) said that the Federal Republic of Yugoslavia was seeking to participate in the meeting as the representative of the former Socialist Federal Republic of Yugoslavia, not as one of its several successor States, in the hope of thereby establishing a precedent in support of its claim to be the only legitimate successor of that State. The international community had rejected that claim and the Federal Republic of Yugoslavia was therefore required, like all other successor States, to notify the Committee of its succession to the Convention. Until it had done so, it should not be allowed to participate in meetings of the Committee.

19. At the request of the representative of Yugoslavia, a vote was taken by roll call on the proposal by Bosnia and Herzegovina.

20. Panama, having been drawn by lot by the Temporary Chairman, was called upon to vote first.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Gambia, Germany, Greece, Hungary, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Mali, Malta, Mauritania, Mauritius, Micronesia, Moldova (Republic of), Monaco, Morocco, New Zealand, Nicaragua, Niger, Norway, Pakistan, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Senegal, Slovenia, Spain, Sudan, Suriname, Sweden, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Yemen.

Against: Yugoslavia.

Abstaining: Angola, Bolivia, Brazil, Cambodia, Cameroon, Colombia, Ecuador, Ethiopia, Fiji, India, Lao People's Democratic Republic, Mozambique, Nepal, Panama, Peru, Sri Lanka, Togo, Vanuatu, Venezuela, Zimbabwe.

21. The proposal by Bosnia and Herzegovina was adopted by 65 votes to 1, with 20 abstentions.

22. Ms. TOMIČ (Slovenia) reiterated the position of her delegation that all successor States must notify the appropriate treaty bodies of their succession to international treaties concluded by their predecessor States. The Federal Republic of Yugoslavia had not done so in the present instance and was therefore not entitled to participate in the meeting. Her country rejected the attempt by the representative of Yugoslavia to confuse continuity of the international human rights protection regime with that of the legal personality of the Socialist Federal Republic of Yugoslavia.

23. Mr. MUCH (Germany), speaking on behalf of the European Union, Austria, Finland, Norway and Sweden, said that those countries' vote in favour of the proposal did not imply that Yugoslavia should be released from its obligations arising from the Convention.

The meeting rose at 1.30 p.m.